United Nations A/57/152

General Assembly

Distr.: General
2 July 2002

Original: English

Fifty-seventh session
Item 102 of the preliminary list*
Crime prevention and criminal justice

Strengthening the Terrorism Prevention Branch of the Secretariat

Report of the Secretary-General

Summary

The present report responds to the request of the General Assembly, contained in paragraph 103 of its resolution 56/253, for proposals to strengthen the Terrorism Prevention Branch of the Secretariat.

The report describes briefly the substantive, organizational and programme context, including the measures taken by the Commission on Crime Prevention and Criminal Justice to ensure the coordination and complementarity of its contributions with the work of the Counter-Terrorism Committee of the Security Council. The report provides a succinct review of the pertinent mandates of the Crime Prevention and Criminal Justice Programme, highlighting the important tasks to be performed by the Centre for International Crime Prevention in strengthening cooperation among Member States and in providing technical assistance to requesting countries in preventing and combating terrorism.

The report makes proposals for a strengthened programme of work for fulfilling effectively the expanded mandates. The focus is on the provision of assistance to Member States, upon request, for ratifying and implementing the 12 international conventions and protocols relating to terrorism. The programme of work would thus also contribute to the implementation of Security Council resolution 1373 (2001). Its main elements would be: (a) facilitation and/or provision of legislative assistance; (b) facilitation and/or provision of capacity-building assistance; (c) identification and dissemination of best practices; and (d) identification and promotion of awareness of links between terrorism and related crimes.

* A/57/50/Rev.1.

02-46189 (E) 080802

Finally, the report identifies the resources required in the programme budget for the biennium 2002-2003 for implementing the strengthened programme of work.

The General Assembly is invited to review and approve the proposals for a strengthened programme of work and the corresponding resource allocations.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 56/253 of 24 December 2001, entitled "Questions relating to the proposed programme budget for the biennium 2002-2003". In paragraph 103 of that resolution, the Assembly requested the Secretary-General "to make proposals to strengthen the Terrorism Prevention Branch at the United Nations Office at Vienna to enable it to carry out its mandates as approved by the General Assembly, and to report thereon to the General Assembly for its consideration".

II. Substantive, organizational and programmatic background

A. Substantive context

2. The terrorist attacks of 11 September 2001 catapulted terrorism issues to the centre of the international debate and action on peace and security. They altered perspectives on national security, gave urgency to the question of concerted global action against terrorism, reinforced the need for a comprehensive approach in addressing terrorism and generated a critical examination of the complementary roles of the various relevant entities, including those within the United Nations Secretariat.

3. Prior to the attacks, the United Nations had long been seized of the issue of terrorism. Extensive work had been carried out by the General Assembly (especially its Sixth Committee), the Security Council and the Economic and Social Council. Since 1970, the United Nations Crime Prevention and Criminal Justice Programme and the quinquennial United Nations Congresses on the Prevention of Crime and Treatment of Offenders have been addressing terrorism as a form of serious crime. In particular, the Eighth Congress, in 1990, adopted a set of measures against international terrorism, which were endorsed by the General Assembly in its resolution 45/121. In 1994, the Naples Political Declaration and Global Action Plan Against Organized Transnational Crime (see A/49/748, annex) noted with grave concern the links between organized transnational crime and terrorist crimes. More recently, the Tenth Congress, in 2000, addressed terrorism in its Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, endorsed by the General Assembly in its resolution 55/59. Less than a week before the terrorist attacks of 11 September 2001, the Commission on Crime Prevention and Criminal Justice elaborated a plan of action against terrorism, as part of the plans of action for the implementation of the Vienna Declaration (General Assembly resolution 56/261, annex).

4. Following the terrorist attacks of 11 September 2001, the Security Council established the Counter-Terrorism Committee, which was mandated to monitor the implementation of Security Council resolution 1373 (2001) of 28 September 2001, under Chapter VII of the Charter of the United Nations. The Commission on Crime Prevention and Criminal Justice has acted to ensure the coordination and complementarity of its contributions with the work of the Committee. Issues related to terrorism were discussed at several bureau and intersessional meetings of the Commission held since 11 September 2001; and "Strengthening international cooperation in combating terrorism" was included as an additional item on the agenda of the Commission at its eleventh session, in April 2002. The main thrust of the Commission's orientation has been to foster the use of the institutional knowledge, experience and expertise acquired in the programme activities under its guidance as an effective supplementary contribution to the anti-terrorism work of the United Nations as a whole.

5. In its resolution 11/1, entitled "Symposium on the theme 'Combating international terrorism: the contribution of the United Nations'", adopted at its eleventh session, the Commission strongly encouraged Member States to participate in the preparations for the symposium and in the symposium itself. Convened in Vienna on 3 and 4 June 2002, the symposium was attended by 101 Member States, 10 intergovernmental organizations and six non-governmental organizations, as well as high-level representatives of the United Nations Secretariat. The symposium emphasized, inter alia, the crucial importance of implementing the recent mandates emanating from the plan of action against terrorism, as well as the essential role of technical assistance for implementing Security Council resolution 1373 (2001).

B. Organizational context

6. As part of the 1997 reform proposals of the Secretary-General, the Office for Drug Control and Crime Prevention was established in Vienna, comprising the United Nations International Drug Control Programme and the Centre for International Crime Prevention. The latter was established through the upgrading of the former Division for Crime Prevention and Criminal Justice. The aim was to concentrate in Vienna the various aspects of the Organization's work relating to the "uncivil" aspects of society, such as illicit drug trafficking and drug abuse, transnational organized crime, trafficking in human beings, illicit trafficking in and manufacturing of firearms, corruption and money-laundering. In that context, in its resolution 52/220 of 22 December 1997, the General Assembly approved the establishment of two new posts in the Centre for carrying out its mandates relating to terrorism. A Terrorism Prevention Branch was established within the Centre for International Crime Prevention, comprising these two posts. In the absence of a General Service post, secretarial support in the Branch has been made available through the use of general temporary assistance available to the Centre.

C. Programme of work

7. Due to the scarcity of resources, the Centre's terrorism-related work during the previous and current biennium has focused mainly on the provision of substantive servicing to relevant intergovernmental bodies and the conduct of research and analysis. Related activities have included the establishment and maintenance of databases, the creation of an archive and library on terrorism and counter-terrorism measures, coordination with the research community, the establishment of a roster of experts and the provision of specialized substantive input to United Nations system entities and other intergovernmental organizations, including for holding meetings and special events. Work has also been initiated on assembling a repertoire of responses to terrorism, aimed at creating an inventory of measures for the prevention and control of terrorism based on best practices and lessons learned. In response to the Centre's new mandates relating to the provision of technical assistance, a project proposal has been elaborated, entitled "Strengthening the legal regime against terrorism: promotion of the ratification, approval and acceptance of, and accession to, as well as the implementation of, the universal legal instruments related to the prevention and suppression of international terrorism". The project proposal offers a framework for facilitation and/or assistance to requesting Member States for acceding to and implementing anti-terrorism conventions. Partial funding for the project proposal has been pledged by some Member States. The project will be implemented in cooperation with the Office of Legal Affairs and the United Nations Interregional Crime and Justice Research Institute.

III. Review of the mandates

8. As noted in paragraph 3 above, the Commission on Crime Prevention and Criminal Justice and the Congresses on crime prevention had been engaged in terrorism-related issues, resulting in related mandates for the erstwhile Division for Crime Prevention and Criminal Justice and the Centre.

9. The Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth Congress and endorsed by the General Assembly in its resolution 55/59, calls for specific action against terrorism. Pursuant to the invitation contained in the Declaration, the Commission elaborated plans of action for the implementation of the Declaration, including a plan of action against terrorism (General Assembly resolution 56/261, annex). That plan states in section VII.B, para. 24, that, subject to the availability of resources, the Centre will, in cooperation with other relevant international and regional organizations and in coordination with the Office of Legal Affairs of the Secretariat:

> "(a) Take steps to raise awareness of the relevant international instruments, encourage States to sign and ratify such instruments and, where feasible, provide assistance in implementing such instruments to States, upon request;
>
> "(b) In cooperation with Member States, take measures to raise public awareness of the nature and scope of international terrorism and its relationship to crime, including organized crime, where appropriate;

"(c) Continue to maintain existing databases on terrorism;

"(d) Offer analytical support to Member States by collecting and disseminating information on the relationship between terrorism and related criminal activities;

"(e) If further developments so require, draw up concrete proposals for consideration by Member States to strengthen the capacity of the Centre to develop, within its mandate, and administer the terrorism prevention component of its activities."

10. On the recommendation of the Commission at its eleventh session, the Economic and Social Council adopted a resolution in July 2002 entitled "Strengthening international cooperation and technical assistance within the framework of the activities of the Centre for International Crime Prevention in preventing and combating terrorism" (see E/2002/30, draft resolution VIII). In that resolution, the Council, inter alia, reaffirmed the important role that the Centre has to play in promoting effective action to strengthen international cooperation and in providing technical assistance, upon request, in preventing and combating terrorism, and reiterated its request to the Centre to promote effective measures to that effect. The Council stressed that the Centre should include in its activities the provision to States, upon request, of technical assistance for the signature, accession, ratification and effective implementation of the international conventions and protocols related to terrorism. It further stressed that the Centre should include in its activities the taking of measures, in cooperation with Member States, to raise public awareness of the nature and scope of international terrorism and its relationship to crime, including organized crime, where appropriate, continuing to maintain databases on terrorism and offering analytical support to Member States by collecting and disseminating information on the relationship between terrorism and related criminal activities, including research and analytical studies on the close connection between terrorist activities and other related crimes, such as drug trafficking and money-laundering. The Council also requested the Centre, within the framework of its technical assistance activities related to countering terrorism, to take measures to draw the relevant international conventions and protocols relating to various aspects of international terrorism to the attention of States that are not yet parties to them, with a view to assisting them, upon request, to become parties thereto.

11. In its resolution 1373 (2001) of 28 September 2001, the Security Council noted the links between transnational organized crime and terrorism. In its resolution 1377 (2001) of 12 November 2001, the Council recognized that many States would require assistance in implementing all the requirements of resolution 1373 (2001) and called for the exploration of ways in which States could be assisted through technical, legislative and other assistance programmes and in the preparation of model laws.

12. In its resolution 56/123 of 19 December 2001, the General Assembly reaffirmed the role of the Centre in providing to Member States, upon request, technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the areas of prevention and control of transnational organized crime and terrorism. In the same resolution, the Secretary-General was invited "to consider, in consultation with Member States and the Commission on Crime Prevention and Criminal Justice, the ways in which the Centre could contribute to the efforts of the United Nations system against terrorism, in accordance with General Assembly and Security Council resolutions". Such consultations took place on 15 November 2001 and 14 January 2002, respectively, during two intersessional meetings of the Commission.

IV. Proposals for a strengthened programme of work

13. By resolution 55/234 of 23 December 2000, the General Assembly adopted the medium-term plan for the period 2002-2005. The overall objective of programme 12, of the medium-term plan "Crime prevention and criminal justice", is "to strengthen international cooperation and assistance provided to Governments in tackling crime problems, such as those posed by terrorism in all its forms and manifestations (A/55/6/Rev.1, para. 12.1)".

14. As already noted, the terrorism-related activities covered in the programme budget for the biennium 2002-2003, implemented through two professional-level posts, focus mainly on the substantive servicing of related intergovernmental bodies and data analysis. The reinforced and expanded mandates, especially those resulting from General Assembly resolutions

56/123 and 56/261 and the relevant Economic and Social Council resolution adopted in July 2002 (see E/2002/30, draft resolution VI), require a revised and strengthened programme of work that builds upon the related specialized expertise of the Centre, fosters synergy of action with the closely interlinked substantive areas of work of the United Nations International Drug Control Programme (such as illicit drug trafficking), maintains coordination with the Office of Legal Affairs, contributes to the attainment of the objectives of the Counter-Terrorism Committee and promotes collaboration with external partners, especially regional and subregional organizations and academic institutions.

15. A significant advantage of the proposed programme of work will be that it draws on and builds upon the considerable body of expertise and experience the Centre has developed in several related areas — for example, in the formulation of standards and norms in crime prevention and criminal justice; support for institution-building in criminal justice, including advisory services; mutual legal assistance and extradition; action against money-laundering (together with the Drug Control Programme's Global Programme against Money-Laundering); action against trafficking in persons and firearms; specialized training for law enforcement officials, prosecutors and judges; and the promotion of the entry into force of the United Nations Convention against Transnational Organized Crime and its three protocols, through, inter alia, the provision of pre-ratification assistance, especially in drafting requisite legislation.

16. Accordingly, an expanded programme of work and corresponding outputs, as described below, is proposed. In conformity with the principle of results-based programme budgeting, the expanded programme of work would reinforce capacity to fulfil the expectation identified in the 2002-2003 programme budget, namely, that the expertise provided by the Centre would enhance the capacity of Member States to respond, at the national, regional and international levels, to terrorism in all its forms and manifestations. Indicators of achievement would be (a) the extent to which the expertise provided by the Centre contributes to the enhancement of the capacity of Member States to respond to terrorism; (b) the number of countries receiving assistance from the Centre that become parties to the international legal instruments relating to terrorism; (c) the number of best practices in anti-terrorism collected and disseminated; and (d) increased awareness among government officials of the international legal instruments against terrorism and the nature and scope of international terrorism and its relationship to crime.

17. The proposed expanded programme of work consists of the following main elements:

18. **Facilitation and/or provision of legislative assistance**. The Centre would offer Member States pre-ratification assistance for, and advice on, the implementation of legal instruments against terrorism. This would include analysis of existing legislation and relevant institutions and the provision of assistance for updating existing laws and/or adopting new legislation, as appropriate. It would also involve assistance in legislative drafting with a view to providing specialized expertise to requesting Member States for complying with Security Council resolution 1373 (2001), as well as with the 12 conventions and protocols relating to the prevention and suppression of international terrorism, as appropriate. It would further include the preparation of legislative guides and/or implementation kits for different legal systems. Pools of experts could be established, with equitable geographical representation; they would be called upon to advise on requirements for ratification and legislative action, as well as assist with the preparation of legislative guides and related material. This might also include the preparation of model laws to expand existing national legislation against terrorism so as to cover acts of international terrorism. The related outputs would be the initiation and provision of advisory and other technical assistance to countries, upon request, for the ratification and implementation of the international legal instruments on terrorism; the initiation of the preparation of legislative guides and implementation kits; and, as indicated above, the establishment of pools of experts to provide advice on related matters.

19. **Facilitation and/or provision of capacity-building assistance**. To help build adequate judicial and law enforcement capacity to deal with terrorism, a number of Member States, especially developing countries and countries with economies in transition, would require the strengthening of administrative structures in the area of criminal justice and law enforcement (judicial assistance, extradition, police cooperation and early warning). An examination of existing procedures for international cooperation could

lead to suggestions for improvements. Furthermore, training could be provided with regard to mutual legal assistance, extradition and sharing of information, in regional and subregional contexts. The goal would be to strengthen national criminal justice systems and enable them to counter terrorism and related crimes, since the latter often serve as sources of financing for terrorism. The related outputs would be the initiation and provision of advisory and other technical assistance to countries, upon request, for building up and strengthening judicial and law enforcement capacity for dealing with terrorism and related transnational crime, with the preparation of training modules.

20. **Identification and dissemination of best practices**. Through the exchange of information and know-how with governmental agencies, relevant intergovernmental organizations and academic centres of research and expertise, including at the regional and subregional levels, best practices can be identified and disseminated to requesting Member States. This might relate to mutual legal assistance, extradition or other areas where international cooperation needs to be enhanced. Emphasis should be placed also on preventive strategies and measures that seek to reduce the risk of terrorist crimes. A sound knowledge base is a prerequisite for the prevention and control of terrorist crimes. The dissemination of successful national best practices will improve national standards for the administration of criminal justice and provide a basis for enhanced overall international cooperation in the fight against terrorism. The related outputs would be the initiation and advancement of the preparation of technical publications on best practices, for dissemination both in print and electronically.

21. **Identification and promotion of awareness of links between terrorism and related crimes**. The study of links between terrorism and related crimes, such as illicit drug trafficking, organized crime, money-laundering and illicit arms trafficking, serves to discover vulnerabilities of terrorist groups and can thus help in dismantling them. Similarly, measures taken against terrorism will also help to reduce related forms of criminality, such as organized crime, drug and arms trafficking, money-laundering and corruption. Breaking the links between terrorist groups and arms traffickers and money launderers is vital for successful counter-terrorist operations because related criminal activities provide an enabling framework for terrorist operations to expand. The envisaged output would be the initiation and advancement of analysis of, and the preparation of technical material on, the links between terrorism and related crimes, especially illicit drug trafficking, organized crime, money-laundering and illicit arms trafficking.

22. The Centre is well positioned to play an important role in the provision of technical assistance and advisory services. Its major strengths are its clear mandates, the high priority its issues are given on the intergovernmental policy agenda and its broad range of expertise in areas that are closely interlinked with terrorism prevention. Its ability to work effectively in very sensitive fields can increase the impact and usefulness of its contribution.

V. Resource requirements

23. The implementation of the new mandates and the corresponding strengthened programme of work, as described above, requires an increased allocation of resources for staff and non-staff costs. The programme budget for 2002-2003 provides for two Professional posts (one P-5 and one P-4) and some modest provisions for consultants, contractual services, official travel of staff and printing. The additional resource requirements for implementing the proposed expanded programme of work are for three new Professional level (one D-1, one P-4 and one P-3) and two General Service (other level) posts and an increase in non-post costs.

24. The new posts are required to perform functions as described below:

(a) One D-1 post to serve as chief of Branch and provide substantive supervision of the work of the Branch; promote coordination with the United Nations International Drug Control Programme; coordinate with government authorities at the most senior policy and political levels; coordinate with the Counter-Terrorism Committee of the Security Council, the Office of Legal Affairs and other relevant United Nations entities; promote collaboration with national, regional and international agencies and organizations involved in combating terrorism at the most senior policy and political levels; and elaborate strategies and policies for Secretariat- and system-wide work;

(b) One P-4 post to provide specialized legal expertise in the elaboration and implementation of

technical assistance activities, including for capacity-building and the preparation of model laws; provide legal assistance in pre-ratification and implementation; prepare related technical publications, guides and implementation kits; provide technical input for the delivery of technical assistance; examine national legislation and existing procedures for international cooperation; identify and disseminate best practices; and expand and maintain a pool of experts familiar with different legal systems;

(c) One P-3 post to provide support for strengthening administrative structures in the area of criminal justice and law enforcement; support the facilitation and/or provision of training for national officials regarding juridical assistance, law enforcement cooperation, mutual legal assistance, extradition and sharing of information; and conduct analytical work on the links between terrorism and related crimes;

(d) Two General Service posts (other level), one to provide overall secretarial and clerical support for the work of the Terrorism Prevention Branch and the other to provide programme coordination and implementation assistance, especially for the elaboration and conduct of technical assistance activities, including through the application of specialized information technology.

25. The increase in non-post costs is to meet the increased requirements for consultant and contractual services to obtain specialized expertise for the delivery of technical assistance and the preparation of technical documents; travel of staff to deliver advisory services to requesting Governments and coordination of work with other entities; and printing of technical publications and those related to awareness-raising.

VI. Conclusions and recommendations

26. **The expanded mandates of the Centre in combating and preventing terrorism necessitate a strengthened programme of work. This, in turn, requires an increased allocation of resources for staff and non-staff costs.**

27. **The thrust of the strengthened programme of work is to provide assistance to Member States, upon request, for the ratification, accession and implementation of the 12 international conventions and protocols relating to terrorism, and to contribute to the implementation of Security Council resolution 1373 (2001).**

28. **The General Assembly is invited to review and approve the proposals for a strengthened programme of work and the corresponding resource allocations, contained in sections IV and V above.**